

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TIMOTHY J. BRITT,

Petitioner,

vs.

ROB JEFFREYS,

Respondent.

8:21CV474

ORDER

This matter is before the Court on its own motion. On May 9, 2023, Respondent filed a Notice of Case Submission, [Filing No. 42](#), and notified the Court that no reply brief would be filed because there was no brief from Petitioner to which to respond.¹ Subsequently on May 11, 2023, Petitioner filed a document captioned “Motion Reply for Habeas Petition,” which was docketed as Petitioner’s brief in response to Respondent’s Answer. [Filing No. 43](#). Petitioner’s brief is dated May 8, 2023, and is postmarked May 10, 2023. *Id. at 17, 23*.

Out of an abundance of caution, the Court will liberally construe Petitioner’s untimely brief as a motion to submit the brief out of time, which motion will be granted. Accordingly,

IT IS ORDERED that:

1. Petitioner’s brief, [Filing No. 43](#), construed as a motion to submit the brief out of time, is granted.
2. Respondent shall have 30 days from the date of this order to file a reply to Petitioner’s brief. If Respondent elects not to file a reply brief, he should inform the

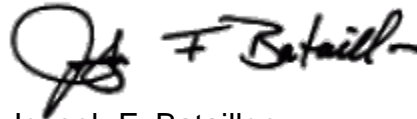
¹ Petitioner’s brief was due on May 1, 2023. See [Filing No. 39](#).

Court by filing a notice stating that he will not file a reply brief and that the merits of the petition are therefore fully submitted for decision.

3. The Clerk of the Court is directed to set the following pro se case management deadline using the following text: **June 15, 2023**: Check for Respondent's reply brief.

Dated this 16th day of May, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge